

United States District Court, Northern District of Illinois

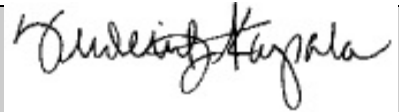
Name of Assigned Judge or Magistrate Judge	FREDERICK J. KAPALA	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 50098	DATE	July 24, 2008
CASE TITLE	Jerry Lewis Gulley (#58630) v. Aramark Foods, et al.		

DOCKET ENTRY TEXT:

Plaintiff's motion for leave to file *in forma pauperis* [3] is granted. The initial partial filing fee is waived. The Court orders the trust fund officer at Plaintiff's current place of incarceration to collect monthly payments from Plaintiff's trust fund account in accordance with this order. The Clerk shall send a copy of this order to the trust fund officer at Winnebago County Jail. The Court dismisses the complaint without prejudice. Plaintiff is given 30 days to submit an amended complaint or the Court shall dismiss this case. The Clerk shall send Plaintiff one copy of the amended civil rights complaint form, instructions for filing, and a copy of this order.

■ [For further details see text below.]

Docketing to mail notices.



STATEMENT

Plaintiff, an inmate confined at Winnebago County Jail, seeks to bring this suit *in forma pauperis*. Finding that he is unable to prepay the filing fee, the Court grants the motion. According to the statement submitted with his *in forma pauperis* application, Plaintiff has neither available funds nor means to pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1). As 28 U.S.C. § 1915(b)(4) requires that a prisoner not be prohibited from bringing suit because of inability to pay, the initial partial filing fee is waived. The trust fund officer at the correctional facility where Plaintiff is confined is authorized to collect monthly payments from Plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from Plaintiff's trust fund account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Il. 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action. The Clerk shall send a copy of this order to the trust fund officer at Winnebago County Jail.

Courtroom Deputy
Initials:

CLH

STATEMENT

Plaintiff alleges that Dr. Oats removed three teeth in September 2006. Although Dr. Oats was aware that Plaintiff needed medication before and during dental work because of his heart disease, he did not give Plaintiff any but told him not to take Plaxus (a blood thinner) for seven days before the dental work. Plaintiff became severely ill. When he returned to Dr. Oats, he did nothing for him. In November 2006, Plaintiff went to Dr. Pocock, who told him that nothing was wrong with him. In March 2007, Plaintiff saw a substitute doctor who prescribed some medication that made Plaintiff feel better. In August 2007, a nurse practitioner took some blood work and prescribed some antibiotics. Plaintiff alleges that he now suffers from heart damage and stomach ulcers. He seeks money damages.

Plaintiff has named Aramark Foods, Winn. County Justice Center, and Winn. County Health Dept. as defendants. Plaintiff filed another case, *Gulley v. Pocock*, 08 C 50099, in which he complained about the food service. This Court dismissed No. 08 C 50099 on July 1, 2008, for failure to state a claim. The Court noted in that order that Plaintiff appeared to have gotten the defendants and the claims mixed up in the two cases.

The Court accordingly will give Plaintiff an opportunity to submit an amended complaint naming the correct defendants with the correct claim.

The Court dismisses the complaint without prejudice. Plaintiff is given 30 days from the date of this order to submit an amended complaint on the forms required by Local Rule 81.1 of this Court. Plaintiff must write both the case number and the judge's name on the complaint and return the originally filled out and signed form and a copy for the judge and a copy for each defendant he names. Plaintiff is advised to keep a copy for his files. The copies of the complaint may be either exact duplicates of the original (that is, photocopied from the original) or conformed copies of the original (that is, typed or hand written word for word from the original). If Plaintiff chooses to make conformed copies then he may request more copies of the amended complaint form. If Plaintiff does not timely comply with this order, this case shall be dismissed. However, Plaintiff will still be responsible for paying the filing fee.